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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,847	12/30/2003	Eric Gregori	79405	2790

22242 7590 12/21/2005

FITCH EVEN TABIN AND FLANNERY  
120 SOUTH LA SALLE STREET  
SUITE 1600  
CHICAGO, IL 60603-3406

EXAMINER
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PATEL, RAMESH B

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/748,847

Applicant(s)

GREGORI, ERIC

Examiner

Ramesh B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-35 are presented for examination.
2. The claims and only the claims form the metes and bounds of the invention.  
"Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

### **Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Fitzgibbon et al. (US RE37,784 E).

As to claims 1, 18 and 32, Fitzgibbon teaches the invention including a movable barrier operator, controller and a method comprising: at least a first movable barrier force input operably coupled to the movable barrier controller is taught as the barrier operator a barrier drive for moving the movable barrier between open and/or closed positions (see, abstract and col. 2, lines 3-34); a first memory operably coupled to the movable barrier controller, which first memory at least includes compressed data that corresponds to force data as regards movement of a movable barrier (see, abstract and figures 1-3 and col. 2, lines 19-49 and col. 3, lines 41-63); and a second memory operably coupled to the movable barrier controller, which second memory at least includes at least a portion of the compressed data in uncompressed form (see, abstract and figures 1-3 and col. 2, lines 19-49 and col. 3, line 41 to col. 4, line 43).

As to claims 2-5 and 19-21, Fitzgibbon teaches the operator, the controller and the method wherein the compressed data corresponds to force information for a plurality of movable barrier positions and for a plurality of movable barrier positions as relate to movement of the movable barrier from a first position to a second position which are open and closed positions (see, abstract and col. 2, lines 3-34).

As to claims 6-7, Fitzgibbon teaches the operator, the controller and the method wherein the compressed data further corresponds to force information for a plurality of movable barrier positions at a plurality of environmental conditions comprise a plurality of different temperatures (see, abstract and figures 1-2 and col. 4, lines 13-43).

As to claims 8-11, 22-24 and 33, Fitzgibbon teaches the operator, the controller and the method wherein the compressed data is compressed as a function of a delta compression scheme, a dictionary compression scheme, a run-length encoding scheme, and a common compression scheme (see, abstract and figures 1-2 and col. 2, lines 19-49 and col. 3, line 41 to col. 4, line 43).

As to claims 12-15, 25-29 and 34, Fitzgibbon teaches the operator, the controller and the method wherein at least a first part of the compressed data is compressed using a first resultant compression ratio and at least a second part of the compressed data is compressed using a second resultant compression ratio that is different from the first resultant compression ratio, wherein the movable barrier controller further comprises at least a first and a second data compressor, wherein the first data compression engine is different from the second data compressor and a user operable compression adjustment interface that is operably coupled to the movable barrier controller (see, abstract and figures 1-2 and col. 2, lines 19-49 and col. 3, line 41 to col. 4, line 43).

As to claims 16-17, 30-31 and 35, Fitzgibbon teaches the operator, the controller and the method wherein the first memory further comprises at least a first memory socket wherein the movable barrier controller further comprises a data compressor selector that is responsive to whether a memory is operably disposed in the first memory socket (see, abstract and figures 1-3 and col. 2, lines 19-49 and col. 3, lines 41-63).


4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramesh B. Patel whose telephone number is 571-272-3688. The examiner can normally be reached on M-Th; 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 571-272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Ramesh B. Patel  
Primary Examiner 12/16/03  
Art Unit 2121

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